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MEMO ENDORSED

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By ECF

Hon. Valerie E. Caproni
United States District Court
40 Foley Square
New York, NY 10007

Re: Biggs v. MetroPlusHealth Plan, et al.
22 Civ. 10939 (VEC)
Nunc Pro Tunc Request to File amended Complaint One Day Late

Dear Judge Caproni:

Plaintiffs were either to file their Amended Complaint or Respond to the Motion to Dismiss by yesterday, July 26, 2023.

I spent much of the day in Court and with clients on July 26 on a Preliminary Injunction applications, one of which involved the closing of a womens' shelter, and I could not file our Amended Complaint.

I have now filed the Amended Complaint, as request permission, nunc pro tunc, to do that one day late.

Defendant has consented.

Thank you for your consideration.

Very truly yours,

/s/ *Arthur Z. Schwartz*

Arthur Z. Schwartz

cc: All Counsel of Record (by ECF)

Application GRANTED. Plaintiff's Amended Complaint, Dkt. 22, is deemed filed *nunc pro tunc* July 26, 2023.

Defendants' motion to dismiss at docket entry 16 is DISMISSED as moot. Defendants' deadline to answer, move, or otherwise respond to the Amended Complaint is **August 21, 2023**.

SO ORDERED.



Date: 7/28/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE